

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$58,860.00 IN UNITED STATES
CURRENCY,

Defendant,

and

RACHAEL BAXTER,

Claimant.

8:21CV484

AMENDED ORDER

This matter comes on before the Court upon the United States's Motion to Amend Order for Parties' Settlement Stipulation. ([Filing No. 29](#)). The United States requests that the Court amend its order dated October 31, 2023 ([Filing No. 28](#)) to direct payment by the U.S. Customs and Border Protection to the trust account of Claimant's attorney, Michael P. Schiano. The October 31 order directs that payment be made by the U.S. Marshals Services, but the United States has now advised that the U.S. Customs and Border Protection is the actual custodian of the currency—not the U.S. Marshals Services.

Having reviewed the matter,

IT IS ORDERED as follows:

1. The Motion to Amend Order for Parties' Settlement Stipulation ([Filing No. 29](#)) is granted.
2. \$29,430.00 of the \$58,860.00 Defendant property shall be returned to the Claimant, Rachael Baxter. Payment by the U.S. Customs and Border Protection will be tendered to the trust account of the Claimant's attorney, Michael P. Schiano.
3. The remaining Defendant property, viz., \$29,430.00, shall be forfeited to the United States, with all right, title and interest in or to such property held by any person or

entity forever barred and foreclosed. The U.S. Customs and Border Protection shall dispose of said \$29,430.00 in accordance with the law.

4. Plaintiff and Claimant shall pay their own costs and attorney's fees associated with this lawsuit.
5. Claimant's counsel shall file a Receipt indicating receipt of the funds. Thereafter, the parties shall file a joint stipulation for dismissal.

Dated this 3rd day of November, 2023.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge